



ATTENTION

Probate cases on this calendar are currently under review by the probate examiners. Review of some probate cases may not be completed and therefore have not been posted.

If your probate case has not been posted please check back again later.

Thank you for your patience.

Status RE: Filing of the Next Account

			NEEDS/PROBLEMS/COMMENTS: <p style="text-align: center;"><u>OFF CALENDAR</u></p> <p>Fourth Account filed 8/12/16 is set for hearing on 9/26/16</p>
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<input type="checkbox"/>	Citation	<input type="checkbox"/>	
<input type="checkbox"/>	FTB Notice	<input type="checkbox"/>	
			Reviewed by: skc
			Reviewed on: 8/25/16
			Updates:
			Recommendation:
			File 1- Dale

Probate Status Hearing RE: Petition Filed 4/6/11

DOD: 5-21-08	DEBBIE DUEHNING, as Guardian ad Litem for GEORGE MCLAIN, IV, filed the following petitions:	NEEDS/PROBLEMS/COMMENTS:
Cont'd from 111015, 011216, 041916, 080216	<ul style="list-style-type: none"> • Petition for Order Compelling Trustee to Make Distribution to Trust Beneficiary; for Imposition of a Constructive Trust; and for an Accounting (filed 4/6/11) • Petition to Review Reasonableness of Trustees Compensation, Reasonableness of Attorney's Fees and Costs; for an Accounting and for Removal of the Trustee (filed 8/25/11) (<i>Currently in trial as of 8/23/16</i>) 	9/1/16 hearings: A: Status RE Ptn filed 4/6/11 B: Conservator's 2nd Amnd Ptn C: Motion to Dismiss for Failure to Prosecute
Aff.Sub.Wit.		
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Notice of Hrg	On 2/13/15, JEFF DALE, Successor Trustee, filed a Motion to Dismiss various petitions.	Note: The 8/25/11 petition was assigned to Dept. 403 for trial on 8/23/16. Trial concluded 8/24/16 and a briefing schedule was set, after which Judge Culver-Kapetan will issue a written statement of decision.
Aff.Mail		
Aff.Pub.	On 3/30/15, DEBBIE DUEHNING filed a Motion to Amend Petition .	
Sp.Ntc.		
Pers.Serv.		
Conf. Screen	Pursuant to the Court's Order on 1) Motion to Dismiss; and 2) Motion for Leave to Amend Petition entered 9/29/15, Mr. Dale's Motion to Dismiss was denied, and Ms. Duehning's Motion for Leave to Amend was granted, and Ms. Duehning was ordered to file and serve her amended petition.	
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report	The Order also set status hearings re the 4/6/11 Petition (This Page A) and the 8/25/11 Petition, which was set for trial on 8/23/16. (See Minute Orders of 4/19/16 and Order on Stipulation to Continue Trial entered 6/2/16.)	
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice	Status Report filed 8/22/16 by Attorney Jared Marshall states: The parties have completed written discovery in connection with the 8/25/11 petition and have resumed discovery in connection with the 4/6/11 petition. On 7/7/16, this Court denied a motion filed by Petitioner to disqualify Respondents' counsel. On 7/20/16, Respondents filed a motion to dismiss Respondent Jeffrey Dale in his individual and respresentative capacities from the 4/6/11 petition. This motion will not affect the 8/25/11 petition. Respondents are set to begin trial on the 8/25/11 petition on 8/23/16. Discovery of the 4/6/11 petition is ongoing.	Reviewed by: skc Reviewed on: 8/25/16 Updates: Recommendation: File 2A - McLain

Conservator's Second Amended Petition for Orders: 1) Compelling Trustee to Make Distribution to Trust Beneficiary; 2) For Damages for Breach of Trust/Fiduciary Duties; 3) For Damages for Fraud/Concealment; 4) for Recovery of Trust Property/Quiet Title; 5) For Recovery of Trust Assets; 6) Compelling Trustee to Perform and Accounting; 7) for Removal of Trustee; 8) for Cancellation of Deeds

		DEBBIE DUEHNING , Conservator of the Person and Estate of GEORGE MCLAIN IV , beneficiary, is Petitioner.	NEEDS/PROBLEMS/COMMENTS: 9/1/16 hearings: A: Status RE Ptn filed 4/6/11 B: Conservator's 2nd Amnd Ptn C: Motion to Dismiss for Failure to Prosecute Note: On 8/26/16, Petitioner filed a "Request for Default;" however, there is no provision for default judgment under the Probate Code. (The request has not been set for separate hearing.) Note: The 8/25/11 petition was assigned to Dept. 403 for trial on 8/23/16. Trial concluded 8/24/16 and a briefing schedule was set, after which Judge Culver-Kapetan will issue a written statement of decision.
Cont'd from 111815, 011216, 041916, 080216		Petitioner states: Respondent JEFFREY DALE is currently the Conservator of the Person and Estate of MICHELE L. DALE and has been so since approx. March of 2009. This conservatorship is managed in Fresno Superior Court Case No. 07CEPR01207. DALE is also MICHELE's husband.	
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		This trust was created pursuant to written declaration of trust of ELAINE A. MCLAIN dated 3/19/96. Elaine died 5/26/08 and the trust is irrevocable. At her death, Elaine was a resident of the County of San Diego, CA. Administration of the trust is in Fresno County, CA.	
		DALE is currently acting successor trustee of the trust.	
		GEORGE is a beneficiary of the trust as to a one-half interest.	
		At the time of its creation, the trust was the owner of real property known as 528 Dawson and 1095 Allesandro in Morro Bay, CA, and money invested in the Franklin California Tax Free Income Fund, Inc., Acct. xx1500.	
		Petitioner states: Persons having an interest in the trust are as follows:	
		<ul style="list-style-type: none"> • Jeff Dale, as trustee of the trust, and as conservator of the estate of Michele Dale • George McLain, IV, Beneficiary • Michele Dale, Beneficiary • Debbie Duehning, Conservator of the Person and Estate of George McLain, IV • Gordon Panzak, Attorney for Jeff Dale and Conservator of the Person of Michele Dale • Dalpar Investments, LLC, a California limited liability company, Jeff Dale, Agent for Service of Process) • Gary F. Bagdasarian, Court-appointed attorney for Michele Dale 	
SEE ADDITIONAL PAGES			
		Reviewed by: skc	
		Reviewed on: 8/25/16	
		Updates: 8/26/16	
		Recommendation:	
		File 2B – McLain	

Page 2 - Paragraph Fourth, Section E, of the Elaine Trust, provides that "Upon the death of Trustor, the trust shall terminate and be distributed to Trustor's children, George McLain, IV, and Michele L. Dale, equally."

Despite Petitioner's repeated demand, and the duty imposed on him by the trust, Dale has failed and refused to distribute that portion of the trust to which George is entitled.

At all times a confidential relationship existed between George and Dale in that Dale was serving as trustee of the trust and George was a beneficiary. Further, Dale was aware or had reason to believe that George was suffering from a form of dementia and was unable to understand the location and nature of his assets or give informed consent to any actions of Dale in connection with trust administration.

GORDON PANZAK is a licensed attorney and was formerly the conservator of the estate of Michele beginning in early 2008 and continuing until Dale took over as conservator of the estate. Panzak remained and continues to serve as conservator of the person of Michele. Panzak served as conservator when the Michele conservatorship was first established and managed property in the name of the Michele conservatorship at that time.

Petitioner is unaware of the true identity of **Respondents DOES 1-40**. When Petitioner becomes aware, Petitioner will name them in place of the Doe respondents.

Testamentary trust: On or about 7/22/91, the George M. McLain (III) Testamentary Trust was created by and through the Decree Settling Report of Administration on Waivers of Accounting filed in the Estate of George M. McLain, Fresno Superior Court Case No. 023159. The testamentary trust held half of the community property assets of George M. McLain and Elaine McLain, with the other half remaining with Elaine. George M. McLain's share of the community assets, which was placed into the testamentary trust, consisted of his one-half interest in various accounts, personal property, and real property (**528 Dawson, 1176 Morro, and 1095 Allesandro, in Morro Bay, CA**). See petition for specific list, total value \$299,454.59 at George M. McLain's date of death (8/29/90). Elaine retained the other half of the community assets.

ELAINE was to receive the income from the testamentary trust assets, and if insufficient, the trustee could apply principal for her benefit. Upon her death, the balance was to be distributed equally to George M. McLain's issue, **GEORGE and MICHELE**.

The testamentary trust provided that George and Michele would be co-trustees; nothing was provided in the event one or both was unable to serve.

On 3/19/96, Elaine established the Elaine A. McLain Trust of 1996 (the instant trust), which originally contained as trust assets only one account and a 1/2 interest in only two properties in Morro Bay, CA.

George and Michele were named co-trustees of the trust, and if either were unable or unwilling to serve, Dale was the named successor. For either to be deemed unable to serve, one of the following conditions was required:

- a. One or both co-trustees resigned;
- b. A conservatorship is established over a co-trustee; or
- c. Two physicians certify incompetence.

Elaine moved in with Petitioner in San Diego County in 1991 when George McLain III passed away. Debbie is the ex-wife of **GEORGE** and remained close to Elaine, who lived with Petitioner for 17 years until her death in 2008.

SEE ADDITIONAL PAGES

Page 3 - Due to familial genetic condition, Elaine's mental capacities were already deteriorating around the time the trust was created. Not long after, she became completely unable to manage her financial affairs. Both George and Michele inherited the condition and their mental facilities began deteriorating shortly after the trust was established. They were likewise unable to adequately take care of their own or anyone else's financial affairs.

Petitioner agreed that she would take care of Elaine's physical concerns, and Dale would handle Elaine's economic affairs, including the trust. Dale would also manage the testamentary trust, since George and Michele were incapable of doing so. No paperwork was created and no petitions were filed re this agreement (in approx. 1996). After this, neither Petitioner nor George had access to financial documents, and have remained substantially in the dark as to such affairs.

1176 Morrow: Shortly before creation of this trust, George and Michele as co-trustees of the testamentary trust, sold one of the Morro Bay properties (1176 Morrow). At that time, 1/2 belonged to the testamentary trust and the other 1/2 belonged to Elaine. Therefore, 50% of the proceeds were supposed to be placed in the testamentary trust, and 50% given to Elaine (as an individual).

528 Dawson: Dale had been managing Elaine's and the trust's financial affairs for several years and was making every economic decision. To accomplish financial transactions due to the deteriorated mental state of George and Michele, he would simply tell them what to sign, and they would do as requested, since they could not understand. George trusted Dale to act in his best interest. Dale would also go to Petitioner's house when it was necessary for Elaine to sign documents. Elaine never questioned Dale when he would tell Elaine or George to sign a document. In 2003, Dale took it upon himself to procure the sale of 528 Dawson. Dale was completely aware of both Michele's and George's inability to properly manage financial affairs due to their mental impairment. On or about 4/15/03, two (2) grant deeds to 528 Dawson were recorded. The first grantors were: Elaine and the testamentary trust trustees. The signatures were George and Michele, who each signed as co-trustees of the testamentary trust, and as POA for Elaine. Petitioner alleges that neither George nor Michele were capable of understanding this transaction at that time, and that Dale was aware of this, but nevertheless imposed his will on them to have them sign the deed.

The purchaser of 528 Dawson was **PANZAK**, an attorney, an associate of Dale, and soon to be Michele's conservator. Panzak paid substantially less than fair market value for 528 Dawson and was fully aware of the windfall profit that he was receiving at the expense of the family.

Immediately before receiving title, but allegedly believing he was conveying good title, Panzak transferred 528 Dawson to **DALPAR INVESTMENTS**. At the time, the entity type was merely a "partnership" and its owners were unknown to Petitioner or George. Petitioner alleges that at transfer, **DALE** was one of the partners.

Since Dale was managing Elaine's assets and the trust's assets, he was serving in a fiduciary capacity to both Elaine and the beneficiaries. Further, by purporting to act on behalf of George and Michele, he took on fiduciary responsibilities for both of them as beneficiaries of the testamentary trust.

Despite not being the official trustee, beginning in 1996, Dale was acting as the trustee *de son tort* of the testamentary trust and the Elaine trust. As a fiduciary to the owners of record and trust beneficiaries of 528 Dawson, Dale had an obligation to fully disclose his interest in acquiring 528 Dawson, and also not to profit at the expense of the trusts or beneficiaries.

Petitioner alleges that in order to secretly obtain an ownership interest without alerting Elaine, George, Michele, or Petitioner, he agreed with Panzak to have Panzak act as a "strawman" to obtain title and then transfer it to Dalpar Investments to conceal the fact that Dale was receiving an ownership interest in 528 Dawson. Dale and Panzak were aware it would be improper for them to purchase at substantially less than fair market value, and neither informed the parties that Panzak was merely acting as a "strawman" to make an improper sale appear legitimate, or that Dale was part of Dalpar Investments and was obtaining an ownership interest in the property.

SEE ADDITIONAL PAGES

Page 4 - Petitioner only learned of this connection and concealment within the last two (2) years. Petitioner alleges that Panzak was aware that his role as the "strawman" was to aid and abet otherwise improper, unethical and voidable transaction appear to be legitimate.

Dalpar Investments: Petitioner alleges that Dalpar Investments, for whom Panzak originally purchased 528 Dawson, was originally a partnership between Dale and his brother, Jerry H. Dale. Dalpar Investments converted to and filed to be a California limited liability company on 3/24/10, with Jerry Dale being agent for service of process. Dalpar's address listed with the California Secretary of State is 1408 H Street, Fresno, CA 93721, the same address that Dale has listed for administration of the trust and for the conservatorship of Michele. It is also the same address that Panzak lists as his legal office with the State Bar of California. Petitioner alleges that Dalpar still holds title to 528 Dawson.

Petitioner states the sale of 528 Dawson to Panzak was a fiction created by Dale and Panzak so that Dale, through Dalpar Investments, could take title and conceal that fact from Elaine, George, and Michele, all of whom lacked capacity to understand the details and fairness of the sale.

Elaine Trust and Testamentary Trust assets as of January 2007: After filing her original petition on 4/6/11, Petitioner became aware of financial documents re various Mainstay Investment Accounts dated 1/4/07, which indicated an account in the name of the testamentary trust, with George and Michele as co-trustees, and with an address of 365 N. Emperor Ave., where Dale was living at that time. As of 1/4/07, the testamentary trust's Mainstay Account had approx.. \$10,000 in it.

The documents also showed two other accounts:

- a. An account titled in the name of Elaine and Michele, which Dale has since admitted that this account rightfully belonged to Elaine's trust. On 1/4/07 this account had over \$275,000 in it.
- b. An IRA for Elaine, with George and Michele as beneficiaries, with over \$60,000 on 1/4/07.

Petitioner alleges that Dale has had full control over all of the Mainstay accounts since at least 2001.

Petitioner states the testamentary trust held nearly \$300,000 in assets at its creation, mostly real property. In the present litigation, Dale has alleged that nearly all of the testamentary trust assets were depleted to provide for Elaine's support; however, Dale has never explained how much testamentary trust assets were actually used and has never provided an accounting as to the amounts transferred to Elaine's trust for her support.

Since Petitioner was personally responsible for purchasing Elaine's necessities and providing for her care from when she moved in with Petitioner in 1991 until her death, Petitioner is uniquely aware of Elaine's financial obligations. All money from Dale for Elaine's support went first to Petitioner. Petitioner alleges that Dale did not spend enough money on Elaine's support prior to her death to justify depleting the testamentary trust assets. Petitioner alleges that little of the approx. \$300,000 testamentary trust value was ever spent on Elaine's support.

Petitioner states George never received a testamentary trust distribution. Petitioner alleges that Dale removed virtually all assets from the testamentary trust and used them for purposes other than the care of Elaine. **Examiner's note:** *The testamentary trust is not before the court at this time.*

Divorce: Dale filed for divorce from Michele in 2007. Thereafter, Panzak petitioned for appointment as Michele's conservator, stating that conservatorship was needed due to the pending divorce, and also because Michele's condition had left her substantially unable to manage her financial affairs. Panzak was appointed conservator of Michele's person and estate on 1/25/08.

Death of Elaine: Elaine passed away 5/26/08 after living with Petitioner since 1991. From the early 2000s and through present, George also lived with Petitioner. Although divorced George, was completely incapable of caring for himself or his financial affairs, so Petitioner took him in to care for him. He was previously homeless, living on the streets.

SEE ADDITIONAL PAGES

Page 5 - Following Elaine's death, neither Petitioner nor George received George's distribution from Elaine's trust or any documentation from Dale as to status. On or about 9/12/08, Panzak updated the Court for Michele's conservatorship that Elaine had passed away. Although George was not placed under conservatorship for another three years, Panzak asserted that both Michele and George had "been placed under a conservatorship," and thus Dale was acting sole successor trustee of Elaine's trust.

At no point did any of the required conditions occur that would enable Dale to assume formal sole trusteeship of Elaine's trust prior to early 2012.

Also in the 9/12/08 update, Panzak asserted that the trust owned an account with "approximately \$400,000" in it.

On or about 11/3/08, Panzak filed an ex parte application to have various accounts titled in Elaine's name, or in the name of the trust, placed into accounts titled in the name of the Michele conservatorship. Panzak alleged that there were two primary accounts, one belonging to Elaine's trust valued over \$200,000, and an IRA with George and Michele named as beneficiaries, valued at just under \$50,000.

Panzak never explained why Elaine's trust assets went from "approximately \$400,000" in September to a little over \$200,000 in November of the same year.

Michele Conservatorship gains control of Elaine Trust assets; Dale decides he no longer wants a divorce so he can take over conservatorship: In January 2009, Panzak filed an I&A in the Michele conservatorship stating that there was approx. \$214,000 from the Elaine trust accounts now in the name of the Michele conservatorship. Again, Panzak never explained why in September there was approx. \$400,000 and just a few months later there was only \$214,000. Along with informing the court that the Michele conservatorship now had full possession of the Elaine trust assets, Panzak indicated Dale no longer wanted to divorce Michele, and desired to take over as conservator of Michele's estate. Panzak would continue as conservator of her person, as Dale only wanted to make decisions regarding the money. At the time, the Michele conservatorship had the \$214,000 from the Elaine trust Mainstay Investments account, divided into two separate accounts, each containing \$107,000, representing each of George and Michele's beneficial interest.

On or about 1/30/09, Dale petitioned to be successor conservator of Michele's estate, declaring under oath that "Michele received money following her mother's death ... which is her separate property." At that time and since, neither George nor Petitioner on George's behalf has received any distribution from Elaine's estate or trust.

On or about 3/18/09, Dale was appointed conservator of Michele's estate and the court ordered all accounts unblocked *including the accounts containing Elaine trust assets*. Thus, as of 3/18/09, Dale, as conservator of Michele's estate and as the self-declared sole trustee of the Elaine trust, had full control over the trust funds without Court supervision.

Dale's 2010 Conservatorship Accounting: On or about 4/28/10, Dale filed a Second Accounting in the Michele conservatorship, reporting two accounts, each with \$107,000, representing Michele's and George's shares of the Elaine trust Mainstay Investments account. Both accounts existed when he took over as conservator.

As of 4/28/10, George had not received any distribution from Elaine's trust assets. Dale stated under penalty of perjury that the \$214,000 that Panzak received as Michele's conservator belonged to the trust, not the conservatorship.

SEE ADDITIONAL PAGES

Page 6 - Dale stated in the 2010 accounting that during his first year as conservator, he combined some of the previous accounts. However, after combining the accounts, there was one account with \$108,000, but no other accounts over \$78,000. Petitioner believes Dale failed to keep separate accountings for the trust and the conservatorship and commingled the funds for the two entities. Petitioner also alleges that Dale failed to keep two accounts representing George's and Michele's individual interest in the trust Mainstay account separate, and commingled George and Michele's shares of the Elaine trust funds.

Pursuant to his declaration, Dale also petitioned the court to transfer the \$214,000 to the trust concurrently with the 2010 accounting, stating that money was held in certain accounts at Bank of the West (xx851 and xx373).

In his accounting, Dale stated that xx851 contained \$78,342.92, and xx373 was not included in the accounting. An account xx372 previously representing George's share of the trust contained \$108,576.14.

Current litigation: Although most of the Michele conservatorship filings dealt with the Elaine trust assets, and although Michele and George were the two sole beneficiaries of the Elaine trust, Petitioner and George were uninformed of facts until George received notice of Dale's April 2010 conservatorship petition for instructions to transfer funds into the Elaine trust. In May 2010, shortly after notice, Petitioner assisted George in retaining an attorney, James Pasto, SBN 48445. Mr. Pasto contacted Dale and demanded George's distribution share of Elaine trust. On or about 1/13/11, Dale filed a petition in the current matter requesting instructions re distribution (the 2011 petition for instructions).

Although the accountings from the Michele conservatorship failed to support him, Dale alleged in his 2011 petition that the \$214,000 still remained in two separate accounts of \$107,000 each for the benefit of Michele and George, respectively. On or about 4/4/11, Dale filed a supplement to his petition. For the first time since Dale closed the Mainstay Investments account, Dale requested that only \$107,000 (instead of \$214,000) be paid to the Elaine trust. He did not explain why he only sought half of the money for the trust or explain what was going to happen to the \$107,000 remaining in the Michele conservatorship.

Petitioner alleges that the \$107,000 (approx.) transferred from the Michele conservatorship to the Elaine trust represented only George's interest of the \$214,000; the other half remaining is Michele's share. On or about 4/21/11 the Court signed the order Dale submitted authorizing transfer of George's \$107,000 to the Elaine trust.

On or around 4/6/11, Petitioner, on behalf of George, filed a companion petition in the instant matter (Page A) requesting distribution of the Elaine trust assets, the imposition of a constructive trust over any assets held by the Michele conservatorship, and for an accounting. Mr. Pasto was the attorney of record at that time.

Dale's first account dated 7/29/11 indicated:

- a. A single bank account containing \$109,451.02
- b. A Franklin Templeton Investment account with a balance of \$21,631.91
- c. Elaine's IRA with a value of \$28,469.65 (which was valued at nearly \$50,000 in 2007)

In his account, Dale sought payment of \$14,400 as trustee even though for most of the time, the trust had very few assets – less than \$5,000 until 2011, when the Court ordered the Michele conservatorship to transfer the \$107,000 to the trust.

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Page 8 - The 7/29/11 trust accounting also indicated that Panzak incurred \$19,500 in fees working for Dale as trustee, *while he was acting as conservator of Michele's estate and marshaling Elaine Trust assets away from the Elaine Trust and into the Michele conservatorship.*

Additionally, Panzak was representing Dale as trustee, even though he was the purchaser of the property at 528 Dawson.

Petitioner on behalf of George filed a petition to review the reasonableness of Dale's and Panzak's compensation, for accounting, and for removal of Dale as trustee, which petition raised the same discrepancies noted above, mainly that Dale and Panzak were seeking payment for several years in which there had been no trust activity. Mr. Pasto was still attorney of record for Petitioner. On 9/6/11, Petitioner moved to amend her original petition to add Dale as an individual defendant, and the matter was continued. Minute Order 10/3/11 reflects that Panzak stated in open court that he had placed \$170,000 and \$25,000 into separate Elaine trust accounts. The matter was continued to 1/23/12 based on representation that progress was being made toward settlement.

Mr. Pasto: Petitioner states Mr. Pasto failed to appear at the January hearing, and the court took the petition re reasonableness off calendar at Panzak's request. When Petitioner finally reached Mr. Pasto, he agreed to file an ex parte application to have the funds transferred to petitioner, as the newly appointed conservator for George. **On 3/20/12, the Court granted the ex parte application and ordered Dale to pay all funds payable to George to Petitioner as his conservator. Petitioner states neither Dale nor Panzak ever complied with this order.**

Not long afterward, Petitioner again had trouble reaching Mr. Pasto. Although he never informed her, it was learned that he was suspended and not eligible to practice law on 8/11/12, voluntarily became inactive on 12/16/13, and was ultimately disbarred on 12/20/14, all relating to allegations that he mishandled trust funds and failed to perform adequate legal representation in trust matters.

In August 2014, Petitioner retained William J. Freed. With his help, and after obtaining records from both the Elaine trust and the Michele conservatorship, and a "skeleton" legal filed from Mr. Pasto, Petitioner, for the first time, suspected Dale and Panzak had actively concealed their activity, which was detrimental to George's interest in the Elaine trust and the Testamentary Trust. Previously, Petitioner was solely concerned with Dale's failure to distribute.

Prior to, and just after, Petitioner retained Mr. Freed, Dale, by and through Panzak, stated that the Elaine trust only had approx. \$100,000 and that half of that belonged to Michele. Neither Dale nor Panzak has explained what happened to the rest of the money.

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Page 9 - Petitioner prays as follows:

As to the first cause of action:

1. For an order directing Dale, as trustee of the Elaine Trust and/or as Conservator of the Michele Conservatorship, to pay the sum of \$109,451.00 to George;
2. For an Order directing Dale, as trustee of the Elaine Trust and/or as Conservator of the Michele Conservatorship, to pay simple interest at the legal rate of 7% per annum on the sum of \$109,451.00 from 3/20/12 to date of judgment;
3. For Attorneys fees pursuant to W&I Code §15657(a) or 15657.5(a);
4. For punitive damages according to proof;

As to the second cause of action:

5. For damages to George according to proof;
6. For punitive damages against Dale and Panzak according to proof;

As to the third cause of action:

7. For damages to George according to proof;
8. For punitive damages against Dale and Panzak according to proof;

As to the fourth cause of action:

9. To quiet title to the real property at 528 Dawson, Morro Bay, CA, and render judgment that George is the 50% tenant in common owner of said property and that Repspondents have no ownership interest in the property adverse to George;

As to the fifth cause of action:

10. For an Order granting George an undivided 50% TIC ownership interest in the real property at 528 Dawson;
11. For recovery of the sum of at least \$109,451.00 from the Elaine Trust and/or the Conservatorship of Michele, according to proof;
12. For imposition of a constructive trust over the real property at 528 Dawson and the sum of \$109,451.00;

As to the sixth cause of action:

13. For an Order directing Dale to account for all transactions involving the Elaine Trust in the format set forth in Probate Code §16063, from 1996 to the present;
14. For an Order directing Dale to immediately turn over to George for copying, or his legal representative, all original bank records, financial records, real estate records, trust administration papers and records and any other document concerning current or past assets of the Elaine Trust from 1996 to present;

As to the seventh cause of action:

15. For the immediate suspension of Dale as trustee of the Elaine Trust;
16. For the removal of Dale as trustee of the Elaine Trust;
17. For the appointment of Debbie Duehning as temporary and permanent trustee of the Elaine Trust, or in the alternative, for an appointment of a professional private fiduciary of the Court's choosing;

As to the eighth cause of action:

18. For the cancellation of a grant deed for 528 Dawson from George and Michele, as attorneys in fact for Elaine McLain and as trustees of the Testamentary Trust to Panzak, recorded in the Official Records of the County of San Luis Obispo as Doc #2003037973 on 4/15/03;
19. For cancellation of a grant deed for 528 Dawson from Panzak to Dalpar Investments, recorded in the Official Records of the County of San Luis Obispo as Doc #2003037974 on 4/15/03;
20. For cancellation of a grant deed for 528 Dawson from Dalpar Investments, an California Partnership to Dalpar Investments, LLC, a California Limited Liability Company, recorded in the Official records of San Luis Obispo County as Doc #2010033932 on 7/21/10;

For all causes of action:

21. For pre-judgment interest according to proof;
22. For costs of suit;
23. For such other and further relief as the court may deem equitable, just and proper.

Notice of Motion and Motion to Dismiss for Failure to Prosecute

DOD: 5-21-08		<p>JEFF DALE, individually and in his capacities as Conservator of Michele L. Dale and as trustee of the Elaine A. McLain Trust; GORDON PANZAK, individually and in his capacity as former Conservator of Michele L. Dale; DALPAR INVESTMENTS; and DALPAR INVESTMENTS, LLC, are movants.</p> <p>Movants move to dismiss the above-entitled action pursuant to CCP §583.360 on the ground that Petitioner has failed to prosecute and bring to trial the above-entitled action within five years after it was commenced.</p> <p>See Memorandum of Points and Authorities in Support of Motion to Dismiss for Failure to Prosecute filed 7/20/16.</p> <p>See also Request for Judicial Notice filed 7/20/16.</p> <p>Opposition filed 8/18/16 states dismissal is not warranted. On 9/30/15, Petitioner's Second Amended Petition (SAP) was filed after a successful Motion to Amend Petitioner's previously filed 4/6/11 petition. The Second Amended Petition withstood a Demurrer and a Motion to Strike. The 4/6/11 petition solely seeks relief from Jeff Dale as trustee of the trust, and does not seek relief from him as an individual. In fact, Jeff Dale is only identified as Michele's conservator, but the 4/6/11 petition does not seek relief against him as conservator. Therefore, the 5-year period did not commence as to Jeff Dale as an individual or as conservator until Petitioner filed her Second Amended Petition.</p> <p>Additionally and as a distinct separate basis to deny dismissal, the SAP involves entirely different facts and time frames, and involves entirely different "primary rights." Because it did not "relate back" to the 4/6/11 petition, Petitioner is entitled to a new 5-year period as to each and every respondent.</p> <p><u>SEE ADDITIONAL PAGES</u></p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p><u>Examiner's Note:</u> Although the motion states Jeff Dale is the "conservator" of Michele L. Dale and Gordon Panzak is "former conservator," Court records reflect that Jeff Dale is currently the successor Conservator of the <u>Estate only</u> of Michele L. Dale, and that Gordon Panzak remained and is <u>currently Conservator of the Person</u> of Michele L. Dale.</p>	
Aff.Sub.Wit.				
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	Citation			
	FTB Notice			

Page 2

Opposition states (Cont'd): Finally, Respondents argue that Petitioner is not entitled to any tolling of the 5-year dismissal period; however, the issue of whether or not the period is tolled is irrelevant, since the period restarted upon the filing of the SAP. Nonetheless, Respondents' argument is incorrect. Petitioner has been unable to bring the SAP to trial despite her diligent efforts, and is therefore entitled to have the 5-year period tolled.

See Opposition for discussion, authority. Petitioner respectfully requests that this Court deny Respondents' Motion to Dismiss.

Reply in Support of Respondents' Motion provides further discussion and authority, and concludes that the events at issue in this case occurred over 13 years ago. Petitioner has had more than five years to bring this case to trial but has simply declined to do so. Petitioner's opposition to the motion to dismiss fails to provide any viable excuse that justifies this extended delay. Accordingly, the motion should be granted.

**Petition for Termination of Conservatorship of the Estate Due to Lack of Assets and
Petition for Attorney s Fees to Be Paid By Trustee of the Sylvia Nadine Webb Living Trust**

			RONALD WEBB and JEANINE LUTTRELL , Son and Daughter and Co-Conservators of the Person and Estate with bond of \$150,785.00, are Petitioners.	NEEDS/PROBLEMS/COMMENTS: 1. Need Notice of Hearing. 2. Need proof of service of Notice of Hearing at least 15 days prior to the hearing on the Conservatee and all relatives listed in the original petition per Probate Code §1460(b)(6), including: - Daniel Webb, Son - James Shaw, Brother - Ron Webb, Jr., Grandson - Erin Webb, Granddaughter - Patrick Luttrell, Grandson - Matthew Webb, Grandson - Andrew Webb, Grandson - Noah Webb, Grandson - Elija Webb, Grandson 3. The Court may require further information regarding the trust. When was the trust created? What actions taken by the Conservators to determine the status of the assets as trust assets? 4. This petition requests termination of the conservatorship of the estate only. If granted, need Letters reflecting conservatorship of the person only.
			Petitioners state the I&A was filed 8/23/13 showing no assets in the conservatorship estate. After Petitioners were appointed conservators of the estate, it was determined that all of the assets were held in the Sylvia Nadine Webb Living Trust and there were no assets to be placed in the conservatorship. There is no need for a conservatorship of the estate nor a bond for \$150,785.00; therefore, the conservatorship of the estate should be terminated and the surety discharged. Attorney LeVan has represented Petitioners/Co-Conservators since 2/22/13 and requests compensation for legal services related to the conservatorship in the amount of \$3,314.00 . Itemization at Exhibit A includes preparation and service of documents, appearance at hearings, review of documents and bank statements, and costs. Court Investigator Jennifer Daniel filed an Annual Review Report on 4/15/16.	
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	Notice of Hrg	x		
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	Citation			
	FTB Notice			

Probate Status Hearing RE: Visitation

		<p>EVONIESHA SMITH, mother, petitioned the court to terminate the guardianship. Minute order dated 12/3/16 denied the petition for termination. This status hearing was set re: visitation.</p> <p>ADRIANA BREWER, non-relative, was appointed guardian on 9/11/14. – present in court on 4/23/15.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Continued from 7/28/16. Minute order states Court investigator is ordered to be personally present on 9/1/16. All orders remain in place. Mother is allowed to visit the child today from 12 pm to 4 pm.</p>
Cont. from 082015, 120315, 061616, 072816			
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Citation			
FTB Notice			
<p>Reviewed by: KT</p> <p>Reviewed on: 8/26/16</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 5 – Smith</p>			

Petitioner Melinda C. Simental (Pro Per, mother, Guardian of the Estate)

First Account and Report of Melinda C. Simental of Gabrielle Krystal Simental and Estate

		MELINDA C. SIMENTAL , mother and Guardian of the Estate, is Petitioner. <i>~Please see Petition for details~</i>	NEEDS/PROBLEMS/COMMENTS: Continued from 8/4/2016. Minute Order states the Court orders that the funds must be placed into two separate federally insured accounts, with proof being filed prior to the 9/1/2016 hearing. 1. Need Receipt and Acknowledgment of Order for the Deposit of Money Into Blocked Account (Judicial Council form MC-356) for the two federally insured blocked accounts. 2. Need Amended First Account, which reflects the change from a single blocked account valued at \$286,623.65 to two federally insured blocked accounts, with the specific amounts contained in each account. 3. Notice of Hearing has not been filed showing proof of notice to the ward, GABRIELLA KRYSTAL SIMENTAL , pursuant to §§ 2621 and 1460. However, Court may excuse notice to the ward under Probate Code § 1460.1, if the Court determines that notice was properly given to a parent or guardian with whom the minor resides; or that the petition is brought by a parent or guardian with whom the minor resides. If Court confirms that the ward resides with the Petitioner, Court may excuse proof of service of notice to the ward.	
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	Duties/Supp			
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	Video Receipt			
	CI Report			
✓	2620	Non-original		
	Order	X		
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	Status Rpt			
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Reviewed by: LEG				
Reviewed on: 8/29/16				
Updates:				
Recommendation:				
File 6- Simental				

Conservator: Anthony McCurn, Sr. (Pro per – Conservator)

Probate Status Hearing RE: Filing of the Inventory and Appraisal

		<p>ANTHONY McCURN, SR, spouse, was appointed conservator of the person on 4/16/2015 and of the estate with \$9,600 bond on 2/22/2016.</p> <p>Conservator was granted the authority to apply and obtain loan modifications on the family residence located at 4574 East Tower, Fresno CA 93725 in an attempt to reduce the risk of foreclosure, and the Conservator was ordered to provide accountings as scheduled by the Court. (A status hearing for filing of the first account is set for 4/27/2017.)</p> <p>Amended <i>Letters</i> issued 2/22/2016.</p> <p>Estimated value of estate: Annual income - \$8,736.00 (excludes 1/2 interest in real property estimated at \$75,000.00; Conservator owns other 1/2 interest)</p> <p>Minute order dated 2/22/2016 set this status hearing for filing of the inventory and appraisal.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Minute order dated 7/28/2016 continued matter to 9/1/2016 and stated the Court will consider increasing bond on that date.</p> <p>1. A corrected inventory and appraisal (I&A) filed 8/9/2016 states the bond of \$9,600 is sufficient. However, based on the value of the personal property (\$3,350.00), income for one year (\$8,736.00) and the cost of recovery bond (\$1,208.60), bond should be increased from \$9,600.00 to: \$13,295.00.</p>
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<input type="checkbox"/>	FTB Notice		
		<p>Reviewed by: SEF</p> <p>Reviewed on: 8/26/2016</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 8- McCurn</p>	

Status RE: Filing of the Inventory and Appraisal

DOD: 1/23/15	BRUCE BICKEL was appointed Administrator with Full IAEA with bond of \$215,000.00 on 9/23/15.	NEEDS/PROBLEMS/COMMENTS: Note: Order on Second and Final Account of Co-Conservators was entered 7/29/16 and included distribution to Bruce Bickel as Administrator of the Estate.
	Bond was filed 10/6/15 and Letters issued 10/9/15.	
	At the hearing on 9/23/15, the Court set this status hearing for the filing of the Inventory and Appraisal.	1. Need Inventory and Appraisal per Probate Code §8800 or current written status report per Local Rule 7.5.
Cont'd from 022516, 050516, 051216, 062316, 072116	Status Report filed 2/24/16 states the decedent's conservatorship action Case No. 0237515 which currently holds possession of the assets has not yet concluded. The Second and Final Account is scheduled for hearing on 3/1/16, which petition asks that the assets be delivered to the administrator of the estate. The Administrator has not yet filed an Inventory and Appraisal because the assets have not come into this estate.	
Aff.Sub.Wit.		Reviewed by: skc Reviewed on: 8/25/16 Updates: Recommendation: File 9- Inman
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FTB Notice		

Probate Status Hearing RE: Filing of the First or Final Account

DOD: 4/1/2015			CRAIG JOSEPH BRANDON , son, was appointed Executor with full IAEA without bond on 7/1/2015. <i>Letters</i> issued 7/2/2015. Final I&A filed 12/15/2015 shows estate valued at \$152,261.50 . Minute order dated 7/1/2015 set this status hearing.	NEEDS/PROBLEMS/COMMENTS: OFF CALENDAR. Petition for final distribution filed on 8/22/2016 and set for hearing on 10/3/2016.
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	Inventory			
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	Letters			
	Duties/Supp			
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	Status Rpt			
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	FTB Notice			
Reviewed by: SEF				
Reviewed on: 8/25/2016				
Updates:				
Recommendation:				
File 10- Brandon				

**Ex Parte Hearing re: Allowance or Rejection of Creditor's Claim of
 Gary J. Bettencourt**

DOD: 6/24/2015		<p>GARY J. BETTENCOURT, surviving spouse, was appointed executor with full IAEA authority without bond on 2/4/2016.</p> <p><i>Letters issued 2/4/2016</i></p> <p>Estimated value of estate: \$336,013.86.</p> <p>Mr. Bettencourt (Executor) filed a <i>Creditor's Claim</i> on 5/16/2016, as an individual claimant, for \$327,710.00, stating he and decedent were husband and wife and owned as community property, a lot in Shaver Lake CA. He contributed separate property funds for the construction and improvement of the residence built on the lot in an amount totaling \$327,710.00. Petitioner states, per Family Code 2640 and common law, he is entitled to reimbursement for his contribution of his separate property to the acquisition of such residence, which is property of the community property estate.</p> <p>Subsequently, an <i>Allowance or Rejection of Creditor's Claim</i> was submitted for the court's consideration. The Court ordered the matter set for hearing on 7/7/2016, requiring further evidence to support the creditor's claim. Matter was continued to 9/1/2016 per ex parte order, at counsel's request.</p> <p>Declaration of Jeffrey A. Jaech Regarding Settlement Agreement filed 8/24/2016 states the beneficiaries have entered into a settlement agreement with regards to the creditor's claim.</p> <p><i>See additional page.</i></p>	NEEDS/PROBLEMS/COMMENTS:
Cont. from			
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<input type="checkbox"/> Inventory			
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<input type="checkbox"/> FTB Notice			
		<p>Reviewed by: SEF</p> <p>Reviewed on: 8/26/2016</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 11- Bettencourt</p>	

Declaration of Jeffrey A. Jaech Regarding Settlement Agreement filed 8/24/2016, continued:

Terms of the settlement agreement, in summary, is as follows:

- Mr. Bettencourt (Gary) proposes to satisfy his individual creditor's claim with the real property valued at \$212,500.00, plus cash of up to \$115,210.00 for a total of **\$327,710.00**.
- Gary acknowledges after payment of the administration expenses (including attorneys' fees), there may be insufficient cash to pay the full amount of his creditor's claim; in that case, he agrees to accept the amount of cash available.
- After payment of the administrative expenses and satisfaction of Gary's creditor's claim, there may be little to no estate assets remaining for distribution to the trust for the lifetime of Gary and the trust should not be funded, because it would be uneconomical.
- Therefore, decedent's siblings and Gary have agreed to the following:
 - Payment of Gary's Creditor's Claim: Gary will satisfy his creditor's claim with the real property and cash that is available up to \$115,210.00 and agrees to accept such as full payment. After payment of administrative fees, costs and other estate expenses, debts and satisfaction of Gary's creditor's claim, there will be little or no assets remaining to fund the trust for Gary's lifetime. Each of decedent's siblings hereby consents to payment of Gary's creditor's claim as so stated.
 - Termination of Trust: After the payment of estate debts and expenses (as set forth above), the amount available (if any) to fund Gary's trust will be so little that the trust would be uneconomical. Accordingly, the trust shall be immediately terminated and its estate distributed to Gary and decedent's siblings based on their actuarial interests.
 - Contingency: Each of decedent's siblings waives further notice of hearing [of 7/7/2016] and is informed and believe Gary's creditor's claim is valid. They all consent to court approval of Gary's creditor's claim. If for any reason the Court rejects Gary's creditor's claim, which would require Gary to file a lawsuit to pursue his claim, decedent's siblings agree to request that such lawsuit/claim be settled as set forth in this settlement agreement.

Probate Status Hearing RE: Filing of the Inventory and Appraisal

		PUBLIC GUARDIAN was appointed conservator of the person and estate on 3/3/2016. <i>Letters issued 3/3/2016.</i> Estimated value of the Estate: Personal property - \$77,371.19 <u>Income</u> - <u>\$15,656.00</u> Total - \$93,207.19 Minute order dated 3/3/2016 set this status hearing.	NEEDS/PROBLEMS/COMMENTS: 1. Need inventory and appraisal or current written status report pursuant to Local Rule 7.5, which states in all matters set for status hearing verified status reports must be filed no later than 10 days before the hearing. Status reports must comply with the applicable code requirements. Notice of the status hearing, together with a copy of the status report shall be served on all necessary parties.
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	Citation		
	FTB Notice		
			Reviewed by: SEF Reviewed on: 8/26/2016 Updates: Recommendation: File 12- James

First and Final Account and Report of Administration, Petition for Final Settlement, for Reimbursement of Advances, Allowance of Statutory Commissions and Fees to Executors and Attorney and for Final Distribution

DOD: 1/26/16		<p>GLEND A ELLIOTT and LEONARD SAMUELSON, Co-Executors with Full IAEA without bond, are Petitioners.</p> <p>Account period: 1/26/16 – 7/20/16 Accounting: \$470,184.52 Beginning POH: \$231,672.00 Ending POH: \$138,247.28 (cash)</p> <p>Co-Executors (Statutory): \$7,033.44</p> <p>Attorney (Statutory): \$7,033.44</p> <p>Closing: \$2,500.00 (for preparation and filing of final fiduciary income tax returns)</p> <p>Reimburse costs: \$8,808.86 Beverley Bennett: \$1,045.08 (funeral) Tanya Roehlk: \$254.87 (funeral) Glenda Elliott: \$3,338.35 (property maintenance) Leonard Samuelson: \$4,170.56 (funeral, property repair)</p> <p>Distribution pursuant to Decedent's will:</p> <p>James Samuelson: \$22,574.31 Leonard Samuelson: \$22,574.31 Glenda Elliott: \$22,574.31 Beverley Bennett: \$22,574.31 Tanya Roehlk: \$22,574.30</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p>	
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<p>Reviewed by: skc</p> <p>Reviewed on: 8/26/16</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 13- Samuelson</p>				

**Notice of Motion and Motion for Order Compelling Responses to Special Interrogatories,
Demand for Inspection and Production of Documents and Things and Request for
Admissions-Genuineness of Documents, and for Sanctions**

		IRIS VOGT , Petitioner, moves for an order compelling Respondent LLOYD MARTIN to serve responses to the Special Interrogatories, Set One, Request for Identification and Production of Document and Things, Set One, and Request for Admissions-Genuineness of Documents, Set One, served on him on 5/31/16, and for monetary sanctions to Petitioner of \$960.00 for attorney's fees and costs.	NEEDS/PROBLEMS/COMMENTS:
		This motion is made pursuant to CCP §§ 2030.290, 2013.310 and 2033.290 on the grounds that the information and documents requested are relevant to the subject matter of this action and are not privileged, that Respondent has failed to serve timely responses thereto, and that Respondent's failure to comply is without substantial justification.	Note: Beneficiary Iris Vogt's Petition filed 3/4/16 is set for Settlement Conference on 8/30/16 and Court Trial on 9/20/16 (continuance per stipulation pending).
		This motion is based on notice, the attached Memorandum of Points and Authorities filed 7/21/16, Declaration of Steven F. Salazar filed 7/12/16, and pleadings, records and files in this action and on such oral and documentary evidence to be presented at the hearing.	
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Citation			
FTB Notice			
			Reviewed by: skc
			Reviewed on: 8/25/16
			Updates:
			Recommendation:
			File 14- Hannah

Notice of Motion and Motion for Order Compelling Responses to Special Interrogatories, Demand for Inspection and Production of Documents and Things and Request for Admissions-Genuineness of Documents, and for Sanctions

		<p>IRIS VOGT, Petitioner, moves for an order compelling Respondent LLOYD MARTIN to serve responses to the Form Interrogatories, Set One, Request for Identification and Production of Document and Things, Set One, Request for Admissions, Set One, and Request for Admissions-Genuineness of Documents, Set One, served on him on 5/31/16, and for monetary sanctions to Petitioner of \$960.00 for attorney's fees and costs.</p> <p>This motion is made pursuant to CCP §§ 2030.290, 2013.310 and 2033.290 on the grounds that the information and documents requested are relevant to the subject matter of this action and are not privileged, that Respondent has failed to serve timely responses thereto, and that Respondent's failure to comply is without substantial justification.</p> <p>This motion is based on notice, the attached Memorandum of Points and Authorities filed 7/21/16, Declaration of Steven F. Salazar filed 7/12/16, and pleadings, records and files in this action and on such oral and documentary evidence to be presented at the hearing.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Note: Beneficiary Iris Vogt's Petition filed 3/4/16 is set for Settlement Conference on 8/30/16 and Court Trial on 9/20/16 (continuance per stipulation pending).</p>		
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			Reviewed by: skc Reviewed on: 8/25/16 Updates: Recommendation: File 15- Hannah		

Petitioner Taito, Aumau (Pro Per – Paternal Grandmother)

Petition for Appointment of Guardian of the Person

Age: 1	TEMPORARY EXPIRES 09/01/2016		NEEDS/PROBLEMS/COMMENTS:
	AUMAU TAITO, paternal grandmother, is petitioner.		
	<u>Please see petition for details</u>		<p>Minute Order of 07/21/2016: Olivia Cervantes-Lopez is maternal grandmother and Jose Gonzalez is maternal grandfather which both live in Mexico. The Court is NOT accepting proof of service in the file for mother. Olga Taito will need to be served. Olga request to be served by mail and the Court accepts the request. Visitation stays in place. Examiner notes given. The Court grants temporary guardianship until 09/01/2016.</p> <ol style="list-style-type: none"> 1. Need proof of service fifteen (15) days prior to the hearing of the Notice of Hearing along with a copy of the Petition for Appointment of Guardian pursuant to Minute Order of 07/21/2016 for: <ul style="list-style-type: none"> • Olga Taito (Mother) 2. Need proof of service fifteen (15) days prior to the hearing of the Notice of Hearing along with a copy of the Petition for Appointment of Guardian or consent and waiver of notice or declaration of due diligence for: <ul style="list-style-type: none"> • Piso Taito (Paternal Grandfather) • Jose Gonzalez (Maternal Grandfather) • Olivia Cervantes-Lopez (Maternal Grandmother) • Isaiah Taito (Sibling)
Cont. from 072116			
Aff.Sub.Wit.			
✓ Verified			
Inventory			
PTC			
Not.Cred.			
✓ Notice of Hrg			
Aff.Mail		x	
Aff.Pub.			
Sp.Ntc.			
✓ Pers.Serv.			
✓ Conf. Screen		w/	
✓ Letters			
✓ Duties/Supp			
Objections			
Video Receipt			
✓ CI Report			
9202			
✓ Order			
Aff. Posting			
Status Rpt			
✓ UCCJEA			
Citation			
FTB Notice			
			Reviewed by: LV
			Reviewed on: 08/29/2016
			Updates:
			Recommendation:
			File 16- Taito

Petition for Appointment of Temporary Guardian of the Person

		GENERAL HEARING 9/20/16	NEEDS/PROBLEMS/COMMENTS:
		NANCY ERWIN , maternal grandmother, is petitioner.	Continued from 8/11/16.
		Please see petition for details.	
Cont. from 072116, 081116		Opposition of Richard Riojas to the Petition of Nancy Erwin for Guardianship of Jade Riojas, with POS, filed on 7/25/16.	
<input type="checkbox"/>	Aff.Sub.Wit.		
<input checked="" type="checkbox"/>	Verified		
<input type="checkbox"/>	Inventory		
<input type="checkbox"/>	PTC		
<input type="checkbox"/>	Not.Cred.		
<input checked="" type="checkbox"/>	Notice of Hrg		
<input checked="" type="checkbox"/>	Aff.Mail	W/	
<input type="checkbox"/>	Aff.Pub.		1. Reply to the Response filed by Richard Riojas on 8/25/16 was not verified. Probate Code §1021.
<input type="checkbox"/>	Sp.Ntc.		
<input type="checkbox"/>	Pers.Serv.		
<input checked="" type="checkbox"/>	Conf. Screen		
<input checked="" type="checkbox"/>	Letters		
<input checked="" type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report		
<input type="checkbox"/>	9202		
<input checked="" type="checkbox"/>	Order		Reviewed by: KT Reviewed on: 8/26/16 Updates: Recommendation: File 18- Riojas
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input checked="" type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		

DOD: 09/02/2014		KEITH WILLIAM LUSK, son, is petitioner.	NEEDS/PROBLEMS/COMMENTS:
		40 days since DOD	1. Need Attachment 11 containing (1) the legal description of the real property and its APN and (2) decedent's interest in the property.
		No other proceedings	
Cont. from		I&A - \$145,000.00	2. #9a(2) of the petition indicates that the decedent's spouse is deceased. Pursuant to Local Rule 7.1D the name and date of death of the decedent's spouse is required.
	Aff.Sub.Wit.		
✓	Verified		3. #5(a) or #5(b) of the Inventory and Appraisal was not marked regarding the property tax certificate.
✓	Inventory		
	PTC		4. Need Order. Local Rule 7.1 states a proposed Order shall be submitted with all pleadings that request relief. If the proposed order is not received in the Probate Filing Clerk's Office ten (10) days before the scheduled hearing, a continuance may be required.
	Not.Cred.		
✓	Notice of Hrg		Will dated: 05/05/2006 devises residue of the estate pass to Keith William Lusk.
✓	Aff.Mail	w/	
	Aff.Pub.		Petitioner requests Court determination that decedent's interest in real property located at 4136 E. Fountain Way Fresno, pass to Keith William Lusk pursuant to decedent's will.
	Sp.Ntc.		
	Pers.Serv.		
	Conf. Screen		
	Letters		
	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
	9202		
	Order	x	
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		
			Reviewed by: LV
			Reviewed on: 08/29/2016
			Updates:
			Recommendation:
			File 19- Lusk

21 Donna Jean Sunamoto (Estate)**Case No. 16CEPR00767****Attorney Downing, Marcella (for Brian Sunamoto – Petitioner – Nephew)****Petition for Probate of Will and for Letters Testamentary and Authorization to Administer under the IAEA**

DOD: 11/19/2015		BRIAN SUNAMOTO , nephew/named executor without bond is petitioner.	NEEDS/PROBLEMS/COMMENTS:
		Full IAEA – o.k.	Note: If the petition is granted status hearings will be set as follows:
Cont. from		Will dated: 11/12/2015	<ul style="list-style-type: none"> • Thursday, 02/02/2017 at 9:00a.m. in Dept. 303 for the filing of the inventory and appraisal <u>and</u> • Thursday, xxxx at 9:00a.m. in Dept. 303 for the filing of the first account and final distribution.
<input type="checkbox"/>	Aff.Sub.Wit.	s/p	
<input checked="" type="checkbox"/>	Verified		Pursuant to Local Rule 7.5 if the required documents are filed 10 days prior to the hearings on the matter the status hearing will come off calendar and no appearance will be required.
<input type="checkbox"/>	Inventory		
<input type="checkbox"/>	PTC		
<input type="checkbox"/>	Not.Cred.		
<input checked="" type="checkbox"/>	Notice of Hrg		
<input checked="" type="checkbox"/>	Aff.Mail	w/	
<input checked="" type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.		
<input type="checkbox"/>	Pers.Serv.		
<input type="checkbox"/>	Conf. Screen		
<input checked="" type="checkbox"/>	Letters		
<input checked="" type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report		
<input type="checkbox"/>	9202		
<input checked="" type="checkbox"/>	Order		
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		
		Residence: Fresno	
		Publication: The Business Journal	
		Estimated value of the Estate:	
		Personal property - \$70,500.00	
		Real property - \$120,000.00	
		Total - \$190,500.00	
		Probate Referee: Rick Smith	
			Reviewed by: LV
			Reviewed on: 08/29/2016
			Updates:
			Recommendation: Submitted
			File 21- Sunamoto

DOD: 10/06/2015		NEIL COLE , son, is petitioner.	NEEDS/PROBLEMS/COMMENTS:
		40 days since DOD	
		No other proceedings	
Cont. from			
	Aff.Sub.Wit.	I&A - \$130,000.00	
✓	Verified		
✓	Inventory	Decedent died intestate	
	PTC		
	Not.Cred.	Petitioner requests Court determination that decedent's 100% interest in real property located at 2234 E. Rialto, Fresno, Ca. pass to Neil Cole pursuant to intestate succession.	
✓	Notice of Hrg		
✓	Aff.Mail	w/	
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.		
	Conf. Screen		
	Letters		
	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
	9202		
✓	Order		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		
			Reviewed by: LV
			Reviewed on: 08/29/2016
			Updates:
			Recommendation:
			File 22- Cole

Petition for Appointment of Probate Conservator of the Person

See petition for details.			NEEDS/PROBLEMS/COMMENTS:
			Court Investigator advised rights on 8/17/16
			Voting rights affected – need minute order.
	Aff.Sub.Wit.		<ol style="list-style-type: none"> Petitioners and Natali's brother are the only relatives listed at #11 of the petition; however, all relatives within the second degree should be listed and are entitled to notice under Probate Code §1822. Therefore, need revised list including grandparents, or if deceased, please so state. Need Citation. Need proof of personal service of Citation with a copy of the petition at least 15 days prior to the hearing per Probate Code §1824 on Proposed Conservatee Maria Natali Alvarado. Need Notice of Hearing. Need proof of service of Notice of Hearing with a copy of the petition at least 15 days prior to the hearing per Probate Code §1822 on all second degree relatives. Need proof of service of Notice of Hearing with a copy of the petition at least 30 days prior to the hearing per Probate Code §1822(e) on CVRC. Need Order, Letters.
✓	Verified		
	Inventory		
	PTC		
	Not.Cred.		
	Notice of Hrg	x	
	Aff.Mail	x	
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.	x	
✓	Conf. Screen		
✓	Letters		
✓	Duties/Supp		
	Objections		
✓	Video Receipt		
✓	CI Report		
	9202		
✓	Order		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation	x	
	FTB Notice		
			Reviewed by: skc
			Reviewed on: 8/29/16
			Updates:
			Recommendation:
			File 24- Alvarado

Petitioner Ortiz, Victor Anthony (Pro Per – Non-relative – Petitioner)

Petition for Appointment of Temporary Guardian

			See petition for details.	NEEDS/PROBLEMS/COMMENTS: 1. Need Notice of Hearing. 1. Need proof of personal service of Notice of Hearing with a copy of the temp petition at least 5 court days prior to the hearing per Probate Code §2250(e) <u>or</u> consent and waiver of notice <u>or</u> declaration of due diligence on: - Delores L. Oliver (Mother) - Vincent Paul Ramirez (Father of Jordan) - Unknown Father of Zachariah) 2. Need clarification re #3 and #4 of Confidential Guardian Screening Form.
	Aff.Sub.Wit.			
✓	Verified			
	Inventory			
	PTC			
	Not.Cred.			
	Notice of Hrg	x		
	Aff.Mail			
	Aff.Pub.			
	Sp.Ntc.			
	Pers.Serv.	x		
✓	Conf. Screen	x		
✓	Letters			
✓	Duties/Supp			
	Objections			
	Video Receipt			
	CI Report			
	9202			
✓	Order			
	Aff. Posting			
	Status Rpt			
✓	UCCJEA			
	Citation			
	FTB Notice			
			Reviewed by: skc Reviewed on: 8/29/16 Updates: Recommendation: File 25- Oliver	

Petitioner Iesha Marie Ivy (Pro Per, maternal aunt)
 Petitioner Stanley Warren Ivy, IV (Pro Per, maternal uncle)

Petition for Appointment of Temporary Guardian of the Person

		<u>General Hearing set for 10/19/2016</u>	NEEDS/PROBLEMS/COMMENTS:
		IESHA MARIE IVY and STANLEY WARREN IVY, IV, maternal aunt and uncle, are Petitioners.	1. Need <i>Notice of Hearing</i> . 2. Need proof of five (5) court days' notice by personal service of the <i>Notice of Hearing</i> with a copy of the <i>Petition for Appointment of Temporary Guardian</i> , or <i>Consent to Appointment of Guardian and Waiver of Notice</i> , or a <i>Declaration of Due Diligence</i> for: <ul style="list-style-type: none"> Michelle Baskerville, mother; Father.
Cont. from		~Please see Petition for details~	3. Need <i>Confidential Guardian Screening</i> form completed by Petitioner Stanley Warren Ivy, IV, to be filed with the Court. 4. Need Attachment 3 explaining answer to Item 3 of Petitioner Iesha Marie Ivy's <i>Confidential Guardian Screening</i> form filed on 8/19/2016.
<input type="checkbox"/>	Aff.Sub.Wit.		
<input checked="" type="checkbox"/>	Verified		
<input type="checkbox"/>	Inventory		
<input type="checkbox"/>	PTC		
<input type="checkbox"/>	Not.Cred.		
<input type="checkbox"/>	Notice of Hrg	X	
<input type="checkbox"/>	Aff.Mail		
<input type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.		
<input type="checkbox"/>	Pers.Serv.	X	
<input checked="" type="checkbox"/>	Conf. Screen	X Stanley	
<input checked="" type="checkbox"/>	Letters		
<input checked="" type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report		
<input type="checkbox"/>	9202		
<input checked="" type="checkbox"/>	Order		
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input checked="" type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		
			Reviewed by: LEG
			Reviewed on: 8/29/16
			Updates:
			Recommendation:
			File 26- Ivy

Petition for Appointment of Temporary Guardian of the Person

			See petition for details.	NEEDS/PROBLEMS/COMMENTS: 1. Need Notice of Hearing. 2. Need proof of personal service of Notice of Hearing with a copy of the temp petition at least 5 court days prior to the hearing per Probate Code §2250(e) <u>or</u> consent and waiver of notice <u>or</u> declaration of due diligence on: - Unknown father - Paula Canales (Mother)
	Aff.Sub.Wit.			
✓	Verified			
	Inventory			
	PTC			
	Not.Cred.			
	Notice of Hrg	X		
	Aff.Mail			
	Aff.Pub.			
	Sp.Ntc.			
	Pers.Serv.	X		
✓	Conf. Screen			
✓	Letters			
✓	Duties/Supp			
	Objections			
	Video Receipt			
	CI Report			
	9202			
✓	Order			
	Aff. Posting			
	Status Rpt			
✓	UCCJEA			
	Citation			
	FTB Notice			
			Reviewed by: skc	
			Reviewed on: 8/29/16	
			Updates:	
			Recommendation:	
			File 27- Chavez	